

N.Y.S.D. Case #  
21mc102(AKH)

# UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 7<sup>th</sup> day of July, two thousand and eleven,

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Carlos Asmal,

Plaintiff - Appellant,

Richard Racioppi, Alex Anthony Sanchez, Rafael Valdez, Manuel Checo, Dorota Markut, Roman Markut, Lucyna Foremska, Ryszard Krysiuk, Viasta Krysiuk, Columbina Estrella, Leonardo Estrella, Marco Fernandez, Tadeusz Foremska, Jose Bello, Bozena Kurkowski, Ludmila Khomik, Voldymyr, Khomik, Gustavo Iturralde, Monica Arce, Miguel Zanabria, Edgar C. Bayas, Gregory J. Cannata, Carlos Cardenas, Ruben Acosta, Edith Cardenas, Marian Czerwinski, Elzbieta Czerwinski, Alonso Espinoza, Jozef Galazka, Jadwiga Galazka, Richard Haughton, Zbigbniew Kacperski, Jadwiga Kacperski, Irena Perzynska, Joseph Urso,

Plaintiffs,

v.

The City of New York, The Board of Education of the City of New York , New York City Department of Education, New York City School Construction Authority, Pinnacle Environment Corp, The City University of New York,

Defendants-Appellees.

Thornton Tomasetti, Inc., Total Safety Consulting, LLC, Tucci Equipment Rental Corporation, Vollmer

**ORDER**  
Docket Number: 11-1208

**USDC SDNY  
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DATE FILED: November 21, 2011**

Associates LLP, Weeks Marine, Inc., Weidlinger  
Associates P.C., Wolkow Braker Roofing Corporation,  
WSP Cantor Seinuk, Yannuzzi & Sons, Inc., Breeze  
Carting, Inc., Big Apple Wrecking & Construction  
Corp., Board of Education of the City of New York,  
Breeze National, Inc., Brer-Four Transportation, Buro  
Happold Consulting Engineers, PC, C.B. Contracting  
Corp., Canron Construction Corp., Component  
Assembly Systems, Inc., Cord Contracting Co., Inc.,  
Leslie E. Robertson Associates, Liberty Mutual  
Insurance Company, Lockwood Kessler & Bartlett,  
Inc., Lucius Pitkin, Inc., LZA Technology - a division  
of Thornton Tomasetti, Manafort Brothers  
Incorporated, Mazzocchi Wrecking, Inc., Moretrench  
American Corp., MRA Engineering P.C, Mueser  
Rutledge Consulting Engineers, Yonkers Contracting  
Company, Inc., Skidmore Owings and Merrill, L.L.P.,  
AMEC Construction Management, Inc., AMEC Earth  
& Environmental, Inc., Bovis Lend Lease LMB, Inc.,  
Evergreen Recycling of Corona (E.R.O.C.), Plaza  
Construction Corp., Tully Construction Co., Inc.,  
Turner Construction Company, Turner/Plaza, A Joint  
Venture, A. Russo Wrecking, Inc., Atlantic-Heydt  
Corporation, Berkel & Company Contractors, Inc.,  
Dakota Demo-Tech, Diamond Point Excavating  
Corporation, Diversified Carting, Inc., DMT Enterprise,  
Inc., E.J. Davies, Inc., Eagle One Roofing Contractors,  
Inc., En-Tech Corporation, Ewell W. Finley, P.C.,  
Executive Medical Services, P.C., Fleet Trucking, Inc.,  
Francis A. Lee Company, FTI Trucking Corp., Gilsanz  
Murray Steficek, LLP, Goldstein Associates Consulting  
Engineers PC, Hallen Welding Service, Inc., HP  
Environmental, Inc., Hudson Meridian Construction  
Group LLC, J.P. Equipment & Rental Materials,  
L.L.C., La Strada General Contracting Corp., Laquila  
Construction, Inc., Nacirema Industries Inc., New York  
City Department of Education, New York Crane &  
Equipment Corporation, Nicholson Construction  
Company, Peter Scalmandre and Sons, Inc,Pro Safety  
Services Inc., PT&L Contracting Corporation, Robert  
L. Gerosa, Inc., Robert Silman Associates, P.C., Rodar  
Enterprises, Inc., Royal GM Inc., SAB Trucking, Inc.,  
Safeway Environmental Corporation, Semcor  
Equipment & Manufacturing Corporation, Silverite  
Contracting Corporation, Simpson Gumpertz & Heger,

Inc., Skanska Koch, Inc.,

Defendants.

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The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1. Each party has submitted a separate electronically signed counterpart reflecting the negotiated terms of the stipulation.

The stipulations are hereby "So Ordered".

For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

 Catherine O'Hagan Wolfe

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit



 Catherine O'Hagan Wolfe